

Appl. No.: 10/616,313  
Arndt. Dated: 12/09/2004  
Off. Act. Dated: 06/29/2004

### REMARKS/ARGUMENTS

Applicant has carefully considered all of the Examiner's comments. New claims 18-21 have been added. Claims 1-17 of the original claim set, and new claims 18-21 are pending. Claims 1-7, 13 and 14 are rejected. Claims 8-12 and 15-17 have objections. No claims have been allowed. Claims 8-12 and 15-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. The Examiner has examined all claims 1-17, for which Applicant is very grateful.

New claims 18-21 have been added to cover other light sources, which finds support on page 3 of the specification on the next to last sentence. The A-lamp positioning means is distributed throughout the specification with references to a screw in A-lamp standard sockets 15 and 33, and an receiver built to receive an A-lamp fixture, shown by arrows 45 of Figure 5. Figures 1-6 also provide support for A-lamp means for positioning. No new matter has been introduced.

Applicant responds to all of the Examiner's issues below. With this amendment of the claims, it is believed that all claims are in a condition for allowance and requests reconsideration of this application in view of the amendments and discussions presented below.

#### 1. Drawings Objections.

The Examiner objected to the drawing lines and reference numeral/characters in Figure 7 were not uniform and legible, respectively. Applicant has attached formal drawings each labeled with "REPLACEMENT SHEET" to cure such objection for the Examiner's convenience. Formal drawings are being submitted to the USPTO today, December 9, 2004.

#### 2. Claim Objections/Minor Informalities.

Pursuant to Examiner's objections to minor informalities in claims 1, 7, and 9, claims 1 and 9 have been appropriately amended with Examiner's requested changes with two exceptions below.

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Applicant respectfully traverses the Examiner's objection to Claim 1, line 6 stating that "--the-- should be inserted between 'and' (first occurrence) and 'motion''. Such edit would result in "a motion sensor for detecting the motion around the lighting system". Applicant respectfully submits that this is not colloquial English usage, and that "motion" is neither specific nor countable, hence should not have the definite article "the" inserted before it. Applicant respectfully traverses the objection, and requests reconsideration.

Applicant respectfully traverses the Examiner's objection to Claim 7, line 2 requiring "the" (second occurrence) should be changed to --an--. Here, Applicant has already claimed a substantially flat top. An intrinsic or inherent property of a substantially flat top is that it has an underside. Thus, colloquial English usage would be to refer to "the underside of the top" as it is already a specific underside belonging to a specific top previously mentioned. Using the article "an" would in fact denote another underside, and thereby would be very confusing, and make no sense. Applicant respectfully traverses the objection, and requests reconsideration.

**3. Rejection of Claims 1, 4-7, and 13-14 under 35 U.S.C. 102(b).**

Claim 1 is rejected as being anticipated by Keeter (U.S. Patent Number 5,867,099). Applicant respectfully traverses the rejection below.

The Examiner states that the final limitation of claim 1:

"a control system connected to the darkness sensor and the motion sensor and to the LED illuminator and the incandescent lamp for turning on the LED illuminator when darkness is detected and for then turning on the incandescent lamp when motion is detected".

Is taught by Keeter. Applicant has reviewed the Keeter reference, failing to find any reference to "turning on the LED illuminator when darkness is detected". The Examiner appears to have lumped the control of the incandescent lamp and LED illuminator into a control system reference at Keeter col. 4, lines 54-62. After carefully reviewing the reference, Applicant finds no language directing that the "indicator light emitting diode"

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(Keeter col. 4, lines 18-19) is actuated anywhere, most particularly at Keeter col. 4, lines 54-62. In fact Keeter only references the "indicator light emitting diode" a single time, and attaches no control system to it at any point, in any manner.

Since Keeter fails to teach all limitation of claim 1, Applicant respectfully requests withdrawal of the rejection, and reconsideration.

As the same limitations are incorporated into dependent claims 4-7 and 13-14, it is believed that all claims 1-17 are now in condition for allowance, and the rejection under 35 U.S.C. 102(b) is now rendered moot. Applicant respectfully requests reconsideration and withdrawal of these grounds for rejection.

**4. Rejection of Claims 2-3 under 35 U.S.C. 103(a) as being unpatentable over Keeter (U.S. Patent Number 5,867,099).**

The Examiner has rejected claims 1-5, 9-13, 18 and 19 under 35 U.S.C. 103(a) as being unpatentable over Keeter (U.S. Patent Number 5,867,099). Applicant traverses the rejections, and kindly requests reconsideration.

As stated above, and herein incorporated by reference, Keeter fails to teach any reference to "turning on the LED illuminator when darkness is detected". Keeter never teaches any controlled aspect, only calling the LED an "Indicator". One never knows what is indicated by the operation of the indicator LED 30. Keeter specifically never teaches the operation of "turning on the LED illuminator when darkness is detected". As Keeter fails to teach this limitation, which is incorporated in dependent claims 2-3, Keeter fails to be a *prima facie* reference for a 35 U.S.C. 103(a) rejection, as each and every claim element and limitation must be taught. Therefore, Applicant kindly request that the Examiner withdraw the rejection, and reconsider the claims.

**5. Additional Claim Fees.**

Originally, there were only one independent claim and 16 dependent for a total of 17 claims. One additional independent claim has been added at no cost. Three dependent claims have been added to bring the total to one claim beyond the 20 already

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purchased. Therefore, there should be an additional claim fee for one more claim beyond 20 for a fee of \$25 since Applicant is a small entity.

**9. Conclusion.**

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejections and objections of the claims and to pass this application to issue.

The Applicant also respectfully requests a telephone interview with the Examiner in the event that there are questions regarding this response, or if the next action on the merits is not an allowance of all pending claims.

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Respectfully submitted,



Joseph R. Milner, Ph. D., Reg. No. 42,896  
Lawrence Berkeley National Laboratory  
One Cyclotron Road, Mail Stop 90B0104  
Berkeley, CA 94720-8127  
(510) 486-4672